

Mail Stop Interference  
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Paper 40  
Filed: December 5, 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Crucell Holland B.V.,  
Junior Party  
(Application 10/136,145,  
Inventor: Gosse Jan Adema),

v.

United States Of America As Represented By  
The Secretary Of The Department Of Health And Human Services,  
Senior Party  
(Patent 5,844,075  
Inventors: Yutaka Kawakami and Steven A. Rosenberg).

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Patent Interference 105,588 (RES)  
Technology Center 1600

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Judgment - Request for Adverse

1 PTO records show that Crucell has assigned Application 10/136,145 to  
2 the Department of Health and Human Services (DHHS). Thus, DHHS is  
3 now the record owner of that application.

4 DHHS has filed a paper titled REQUEST FOR ADVERSE JUDGMENT  
5 (Paper 36). DHHS “requests entry of adverse judgment against U.S. Patent  
6 Application No. 10/136,145 with respect to the subject matter of Count  
7 1 . . . .” Paper 36, p. 2.

1           Accordingly, it is

2           **ORDERED** that claims 1, 2 and 7 of Application 10/136,145

3 (corresponding to Count 1) are finally refused (35 U.S.C. 135(a));

4           **FURTHER ORDERED** that a copy of this judgment be made of  
5 record in the files of Patent 5,844,075 and Application 10/136,145; and

6           **FURTHER ORDERED** that if there is any settlement agreement or  
7 related documents which have not been filed, attention is directed to  
8 35 U.S.C. § 135(c) and 37 CFR § 41.205.

<u>/Richard E. Schafer/</u>	)	
RICHARD E. SCHAFER	)	
Administrative Patent Judge	)	
	)	
<u>/Jameson Lee/</u>	)	BOARD OF PATENT
JAMESON LEE	)	APPEALS AND
Administrative Patent Judge	)	INTERFERENCES
	)	
<u>/Richard Torczon/</u>	)	
RICHARD TORCZON	)	
Administrative Patent Judge	)	

cc (via electronic filing):

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